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ABSTRACT

This report discusses how to end name-calling in schools, examining derogatory expressions commonly used to refer to lesbian, gay, bisexual, and transgender (LGBT) people. Anti-LGBT slurs have become the insult of choice in today's schools, which takes a toll on LGBT students who hear the slurs endlessly and take them personally. Research shows that high percentages of LGBT students have been attacked, attempted suicide, and abused substances. Faculty and staff often contribute to the problem by failing to intervene or making homophobic comments themselves. School faculty and administrators are legally obligated to end harassment. The Equal Protection Clause of the 14th Amendment guarantees equal protection to all citizens. Title IX of the Education Amendment Acts of 1979 prohibits sex discrimination in education programs. It also prohibits gender-based harassment. Faculty and staff must not tolerate name-calling. Effective intervention involves stopping the behavior and educating those involved (publicly or privately). Adults who respond must consider such issues as: the time and place in which the harassment occurs, the individuals involved, what to do when students are reluctant to admit that the slurs actually mean something, and the school's history with name-calling. (SM)

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Zero Indifference:
A How-to Guide to Ending Name-Calling in Schools[1]

by Nancy Goldstein, Ph.D., GLSEN Educational Resources Manager

GAY LESBIAN AND STRAIGHT EDUCATION NETWORK
Education Department Resource

November 2, 2001

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Zero Indifference: A How-to Guide For Ending Name-Calling in Schools[1]

by Nancy Goldstein, Ph.D., GLSEN Educational Resources Manager

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I. Teaching Respect for All

A. The Case for Ending Namealling in Schools

Every student deserves a quality education in a safe, respectful learning environment. Despite the push for anti-violence and character education in recent years, name-calling remains one of the primary obstacles in the effort to create and maintain peaceful hallways and productive classrooms.

Words hurt. More than that, they have the power—especially over time, as individual incidents accumulate to become a pattern—to make students feel unsafe to the point where they are no longer able to perform in school or conduct normal lives. Far too many students who should be able to devote their energies to learning are instead spending an inordinate amount of time trying to avoid persecution or survive hostile environments.

Many of the derogatory words and phrases commonly used in schools today include slurs that refer to lesbian, gay, bisexual, and transgender (LGBT) people. "That's so gay" has become the putdown du jour in schools nationwide and "faggot" the ultimate insult for male students. Female students who fail to conform to gender stereotypes, whether by speaking up in class, playing sports, performing well academically, or simply not seeking out or responding to male sexual attention risk being labeled as

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"dykes" or "lesbos." Anti-LGBT slurs have become the insult of choice whether the targeted student is in fact LGBT, perceived to be, or heterosexual. A host of recent studies affirm this fact, demonstrate the pervasiveness of anti-LGBT slurs in schools, and confirm the power of words to wound:

- 88% of the 1,000 students interviewed in a 2001 national phone survey conducted by Hamilton College reported having heard classmates use "gay" as a derogatory term[2]
- 4 out of 5 students in the 1999 Safe Schools Coalition survey who said that they had experienced anti-LGBT harassment (80%) identified as heterosexual[3]
- According to *Hostile Hallways: Bullying, Teasing, and Sexual Harassment in School*, a 2001 study conducted by the American Association of University Women (AAUW), 73% of students would be "very upset" if someone said they were gay or lesbian. Among boys, no other type of sexual harassment, including physical abuse, provoked so strong a reaction.[4]

Clearly most students are hearing anti-LGBT slurs on a regular basis. Clearer still, many people who are the targets of anti-LGBT name-calling are being ostracized not for their sexual orientation, but because they are somehow different—whether that difference takes the form of body size, social standing, personal style, academic standing, race, gender, country of origin, gender non-conformity, or socioeconomic class. And clearest of all, a vast majority of students dread being on the receiving end of anti-LGBT rhetoric—a fact that refutes the notion that taunts like "That's so gay" have become so commonplace as to "not really mean anything." The logical sum of all these parts is an equation that reads:

- Gay is bad
- Any kind of difference = gay or "That's so gay" or "They're so gay"
- I sure don't want anyone to think I'm gay
- Maybe if I call other people and things gay, no one will call me gay

The statistics on anti-LGBT name-calling in schools, and their impact on students, take on another level of meaning in studies that poll students who self-identify as LGBT. For this student population, these slurs are routine, endless, and deeply personal. According to the organization Human Rights Watch, author of the 2001 study, *Hatred in the Hallways: Violence and Discrimination Against Lesbian, Gay, Bisexual, and Transgender Students in U.S. Schools*[5]:

> Nearly every one of the 140 students we interviewed described incidents of verbal or other non-physical harassment in school because of their own or other students' perceived sexual orientation. For many lesbian, gay, bisexual, and transgender youth, relentless verbal abuse and other forms of harassment are "all part of the daily routine," as Dylan N. (one of the youth interviewed for the study) notes.[6]

For lesbian and bisexual girls, anti-LGBT slurs add another layer to the daily dosage of verbal harassment they are already subjected to just for being female. Of the 712 suburban high school girls ages 14-19 polled in a 2001 survey conducted by a Boston University professor of social work, 62% of heterosexually identified girls said that they had been "called sexually offensive names"; among girls who identified as bisexual or lesbian, the figure rose to 72%.[7]

The overwhelming majority of the 900 middle and high-school aged LGBT students who responded to the GLSEN 2001 National School Climate Survey[8] also reported hearing homophobic remarks. Additionally, the study found that faculty and staff often contributed to the problem either by making homophobic comments themselves or failing to intervene when they heard students making them:

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- 83% of LGBT students reported being verbally harassed (name calling, threats, etc.) because of their sexual orientation
- 84% reported hearing homophobic remarks such as "faggot" or "dyke" frequently or often
- 90% reported hearing the expression "That's so gay," or "You're so gay" frequently or often
- 23% sometimes heard homophobic remarks from faculty or staff
- 81% reported that faculty or staff rarely intervened when hearing such remarks
- 21% reported being physically assaulted

Faculty or staff who take the prevalence of anti-LGBT name-calling as proof that it must not actually mean anything in particular, refer to anyone in particular, or cause any specific kind of damage, are gravely mistaken. On the contrary, the fact that so many students, regardless of their sexual orientation or gender identity/expression are harassed by people using anti-LGBT slurs should be an impetus for those adults charged with the care of youth to take special notice of this issue: "Boys will be boys," "Well, it obviously doesn't mean anything because everyone says it" or "Teasing is just a part of everyone's growing up" are all unacceptable responses. There is nothing normal or natural about prejudice or harassment—or their effects.

B. The Toll on Students

School administrators and faculty who downplay, excuse, or ignore name-calling unwittingly foster an antagonistic environment: perpetrators feel as though they can harass others with impunity, while the students they target feel scared, helpless, and abandoned by the very adults who are supposed to ensure their well being. And this is a recipe for disaster. Bullies who go unchecked tend to become more aggressive over time, extending their dominance over peers, becoming a law unto themselves in classrooms and hallways, and often continuing to act out once they leave school for the day in their relationships with parents, peers, and other authority figures. By contrast, the world a targeted student inhabits shrinks as fear and low self-esteem corrode their ability to concentrate on their studies or engage in the social life of the school: they become more wary of doing anything to call more attention to themselves, including speaking in class, playing sports, or participating in school clubs or trips. These increasingly isolated students wind up spending far too much of their young lives figuring out how to survive another day—physically, mentally, and emotionally.

Numerous surveys attest to the heavy toll that name-calling takes on LGBT youth: a slew of studies on youth truancy, drop-out rates, suicide, depression, and alcohol/drug dependency document significantly greater risk for these behaviors among LGBT youth, who are subjected to a degree of alienation, persecution, and isolation even beyond that of the average adolescent:

- The GLSEN 2001 National School Climate Survey found that 32% of LGBT students had skipped a class at least once in the past month because they felt unsafe based on sexual orientation; 31% had missed an entire day
- According to an article in the August 2001 American Journal of Public Health, teenagers with same-sex attractions or those in gay and lesbian relationships, are twice as likely as their heterosexual counterparts to commit suicide[9]
- The 1999 Massachusetts Youth Risk Behavior Survey[10] concluded that students who described themselves as gay, lesbian, or bisexual were significantly more likely than their peers to report attacks, suicide attempts, and drug and alcohol use. When compared to peers, this group was:
  - Over 4 times more likely to have attempted suicide
  - Over 3 times more likely to miss school because of feeling unsafe

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- Over 3 times more likely to have been injured or threatened with a weapon at school

Indifference to name-calling among faculty and staff greatly increases the likelihood that incidents will snowball and intensify. "Damaging in itself, verbal harassment that goes unchecked may quickly escalate into physical violence, including sexual assault," warns Human Rights Watch: "When teachers and administrators fail to act to prevent harassment and violence, they send a message that it is permissible for students to engage in harassment, and they allow the formation of a climate in which students may feel entitled to escalate their harassment of gay youth to acts of physical and sexual violence"[11]:

- "Mainly guys would be coming up to me, saying, "What's your problem?" said Anika P., a seventeen year old transgender youth. "They'd be like, "What are you going to do, faggot? You still a man? Going to kick your ass." The school put her in a special education class. "They didn't know what to do," she recalled. "They said it was for my own safety." She was attacked physically once. "I got beat over the head with a bottle in gym," she reports. And she was often sexually harassed. Many of the boys who threatened her also came on to her sexually, knowing that their advances were unwelcome. "That was mainly the problem, guys who wanted to hit on me," she told us.[12]
- Kellsie N. told us [HRW] that she watched her life fall apart as she tried to cope with her own fears and harassment at school. "They started calling me a lesbian in fourth grade," she said. By high school, she reported, "The guys called me 'dyke' all the time and grabbed my butt. The girls just had a whisper campaign."[13]
- "It was small pranks at first, like thumbtacks on my chair. Or people would steal my equipment," explained Zach C., who was put into a drafting class composed mostly of seniors when he was in his freshman year. "Then things elevated. I'd hear 'faggot' and people would throw things at me. They'd yell at me a lot. One time when the teacher was out of the room, they got in a group and started strangling me with a drafting line. That's about the same consistency as a fishing line. It was so bad that I started to get blood red around my neck, and it cut me." Later in the school year, his classmates also cut him with knives. On another occasion, he reports, "I was dragged down a flight of stairs by my feet."[14]

While not all name-calling invariably leads to physical violence or sexual assault, the vast majority of those school-based cases of violence that make it into the news and the courts begin with verbal harassment—and might have ended there, had any of the adults present stepped forward to intervene and educate.

Regardless of their personal views, all school officials need to understand that there's a legal as well as an ethical or professional mandate to stop name-calling.

C. School Faculty and Administrators' Legal Obligation to End Harassment

The Equal Protection Clause of the 14th Amendment[16] (applies to public schools) guarantees equal protection under the law to all citizens. Specifically[17]:

> All students have a federal constitutional right to **equal protection** under the law. This means that schools have a duty to protect lesbian, gay, bisexual, and transgender (LGBT) students from harassment on an equal basis with all other students. If school officials failed to take action against anti-LGBT harassment because they believed that the LGBT student should have expected to be harassed, or because they believed that the LGBT student brought the harassment upon him or herself simply by being openly LGBT, or because the school was uneducated about LGBT issues and was uncomfortable

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addressing the situation, then the school has failed to provide equal protection to the student.[18]

Moreover, **Title IX of the Education Amendment Acts of 1972** (which also applies to all schools that receive federal financial assistance) prohibits discrimination based on sex in education programs and activities receiving federal financial assistance.[19] Although Title IX does not prohibit discrimination on the basis of sexual orientation, sexual harassment directed at an LGBT student is prohibited by Title IX if it is sufficiently severe and pervasive.[20]

Title IX also prohibits gender-based harassment, including harassment on the basis of a student's failure to conform to stereotyped notions of masculinity and femininity.[21]

Title IX sets a certain Standard of Liability for school districts[22]:

Under Title IX, a school district can be held liable if it knew about sex-based harassment of a student by another student or a teacher and failed to take reasonable steps to stop it.[23] In other words, in order for a school district to be held liable under Title IX, an individual or body with the authority to take corrective action must have known about the harassment and failed to take reasonable corrective actions.[24]

Title IX permits a student to sue for money damages in state or federal court.[25] Alternatively, anyone may file a complaint with the Office of Civil Rights (OCR) of the Department of Education. OCR has the power to initiate investigations upon receiving a complaint, and can cut off the school's federal funding if it finds Title IX has been violated. OCR has negotiated settlements on behalf of LGBT students who were harassed because of their sexual orientation and/or gender identity.

The implications of the Equal Protection Clause of the 14th amendment and Title IX for school officials are clear: school districts are responsible to ensure that their schools are free of sex discrimination, which can include same-sex harassment, peer harassment, and sometimes anti-LGBT harassment. And if they turn a blind eye to anti-LGBT harassment while they take steps to deal with other kinds of harassment, they can be liable for violating the federal statutory and constitutional rights of the students affected, regardless of that school or school district's stated harassment policies or lack thereof.

The best-known example of the application of the Equal Protection Clause of the 14th amendment in a case involving an LGBT student was one in which unchecked verbal harassment against a gay male student quickly escalated into beatings so severe that he required hospitalization. In Nabozny v. Podlesny (1996), the U.S. Court of Appeals, 7th Circuit, concluded that the Ashland Public School System, the principals of the middle and high schools, and the high school's assistant principal violated Nabozny's 14th amendment equal protection rights by discriminating against him based on his gender or sexual orientation; they failed to protect him against anti-gay harassment, despite the school's policy of investigating and punishing student-on-student battery and sexual harassment.[26] Just before the case went to jury, the school district agreed to settle the case for just under $1 million.

In light of what we now know about the connection between verbal and physical abuse, the legal obligation of school officials to intervene in anti-LGBT name-calling, the legal precedent set by Nabozny v. Podlesny, and the importance of cultivating a safe, respectful learning environment for all students, it is imperative that faculty and school officials learn to recognize, respond to, and end harassment in their schools. Name-calling in all its permutations, from slurs to whisper campaigns and the rumor mill, must be addressed swiftly and consistently. Immediate intervention and proper handling of verbal harassment indicates that the school places a high priority on safety and respect for all; it also prevents these early incidents of harassment from escalating into increasingly violent physical attacks, and averts lawsuits.

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II. ZeroIndifference: A HowTo Guide toStopping NameCalling

A. How to Intervene

Faculty and staff need to adopt a "zero indifference" response to name-calling: that means never letting it go by as though nothing has happened. Consistent intervention is key to establishing a school environment where all students feel safe and respected.

a. There is no one right way to intervene in name calling, and only three things that you as an educator should never do:

- Ignore the incident
- Excuse it
- Allow yourself to be immobilized by fear or uncertainty

b. An effective intervention consists of two steps:

- First, stopping the behavior
- And then educating those involved

c. Educating publicly vs. educating privately

Whether you choose to educate on the spot or privately, immediately or at a later time, the determining factor in your decision about how and when to educate should be the needs of the targeted student. Both options have their advantages and disadvantages, as spelled out in the chart below[27]:

Educate on the spot:

- Provides immediate information & support
- Models taking a stand
- Reassures others that this is a safe space
- Sets a compassionate tone

Educate privately:

- Allows harasser to "save face"
- Prevents possible embarrassment of target
- Allows you to cool down
- Allows more time to explore & discuss

Part of your job as an adult and an educator is to distinguish between what you think is right and what's best for a given student or situation. For example, you may think it's vital that everyone within 50 feet of a given incident hear you reprimanding the tormentors of an oft-scapegoated student loud and clear so they'll all get the message that you won't tolerate name-calling in the school, but the targeted student may cringe at the attention your very public intervention draws—and wonder for their safety on the walk home, when you won't be there to protect them. Or the situation may be reversed. Perhaps the targeted student is an out and proud LGBT student who would love nothing more than for the whole school to know that you won't tolerate anti-LGBT harassment. You may find yourself not wanting to draw attention to yourself for fear of reprisal when, in fact, a very public show of strength and support from you might deter later attacks on the student.

As the teacher you may feel like you need to take charge and figure out what would be best for every student in every situation all on your own. That's really not necessary, though, in many cases. It's good to ask the student what they'd like you to do. Here's how: first, stop the name-calling, then set aside a time to educate the harassing student later. Find some time in between to meet privately with the

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targeted student and figure out what will work best for them in terms of your response. This is also a good time to learn whether the targeted student has a history of being harassed in general, whether the current offending student(s) has or have a history of harassing others, and whether the parties involved have an on-going history with each other (see section C. below, "Consider the Individuals Involved: History, Age, and Intent" for a more thorough discussion of history when assessing a given name-calling situation). If the answer to any of these queries is yes, you will need to take further steps both to ensure proper disciplinary response for the harasser and secure appropriate safety and/or counseling for the targeted student. Above all, do your best not to let your own fears get in the way of giving a student the support they need or, conversely, let your own desire for justice or revenge interfere with their desire to keep a low profile and not be singled out any more than they already have been.

B. Consider the Time and Place

Your response to name-calling and harassment will be impacted by both the setting in which it occurs and the time available to you. The choices you make while walking rapidly through the hallway on your way to teach your next class will, of necessity, be different from the options you can choose with plenty of time to spare and the structure of a classroom supporting you. If "time and place" allow for only punitive or reactive responses, or if the needs of the targeted student will be better served by your speaking to the offending student(s) later, make sure to carve out a future "time and place" to deal with the situation more reflectively. Education will go much further than punishment alone!

A Chart for Responding to Name-Calling in School: Considering the Time and Place

	LESS TIME AND/OR ONLY PUBLIC SPACE AVAILABLE (Between periods, at dismissal, during	MORE TIME AND/OR PRIVATE TIME AVAILABLE (During class or practice, conference
STRUCTURED SETTING (Classroom, library, etc.)	• "That is unacceptable in this room." • "You know the class ground rules." • "Please apologize." • "Out of this room!" • "Leave him/her alone!"	• "What did you mean by 'That's so gay'"? • "That was a stereotype. Stereotypes are a kind of lie, and they hurt people's feelings." • "That was a putdown, and I don't think it belongs here at (name of school)" • "You may not have meant to be hurtful, but here's how your comment hurt..."
UNSTRUCTURED SETTING (Hallway, locker room, cafeteria, etc.)	• "Cut it out!" • "That's way out of line!" • "Keep your hands to yourself!" • "Stop it right now!" • "Go to the office!" • "Whoa, that is ***not*** okay!"	• "That's bullying. It is against school rules..." • "We at this school do not harass people. It could get you suspended..." • "That was really mean. Why did you say that?" • "Do you understand why that was so hurtful?"

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recess, etc.) time, after school, etc.)

C. Considerthe Individuals Involved: History, Age, and Intent

Your course of action may vary depending upon whether a given incident is isolated or part of a pattern in the lives of the students involved. Whereas a one-time transgression can be dealt with swiftly, evidence of a more persistent pattern, on the part of either the harasser or the targeted student, requires more intensive intervention. For example, if student X has a history of harassing other students, or of picking on student Y, you might want to invoke school rules and take disciplinary action in addition to a verbal reprimand and education. If student Y has a history of being picked on, you might consider getting a guidance counselor involved to help student Y deal with the considerable emotional strain of being targeted. If you choose this course of action, it is very important that your staff understand how to support the targeted student rather than insinuating that they somehow "deserved" or "provoked" the attack: it's the harasser and the harassment, not student Y, that is the problem. If neither student has a history, it is still your duty, ethically and legally, to stop the behavior, reprimand the name caller, and let both parties know that you consider the behavior wrong and will take further action (disciplinary for the name caller; supportive for the student who is being harassed) if the incident is repeated.

While slurs are not acceptable under any circumstance, you will have a clearer idea of where to place your emphasis on the education/discipline spectrum if you can grasp the name-caller's intent. And intent may have a lot to do with age as well as history. For example, you hear two eight-year-old best friends calling each other "faggots" or "dykes" and giggling as they shove each other in line while waiting to come in from recess. Certainly you want to stop both students and educate, but the words you choose and the way you balance reprimand/education/response should reflect the students' age (young enough that you would want to get clear on whether they understand what the word means; if not, they need to be taught), intent (unclear until the question of how much they understand is resolved), and the relationship between them (best friends who toss the word back and forth rather than harasser and target, a one-sided dynamic). At the same time, you need to take this incident seriously and not shrug it off: bear in mind the other elementary school students around them, who may come from LGBT families, know someone LGBT, or be beginning to develop a nascent sense of their own same-sex attractions.

If these younger students don't appear to understand the real meaning of the terms they have used (often younger children will repeat language they've heard adults or older children use elsewhere) or if the incident appears more like teasing or taunting than a precursor to assault (as it does in this case, where the participants are best friends), keep anger in check and don't resort to class rules and school punishments right away. This is a teachable moment, and it's all the more important because of the relative youth of the parties involved. The text below is meant to serve as a kind of template for future interactions rather than as a mandatory script: precisely what you say and how you say it is up to you to define. This is just one example for how you might structure your questions and comments as you take action with the eight-year-old best friends, whether on the spot or at a later time:

1. **Stop the behavior (immediately):** "Cut it out. Using language like that is no joke."
2. **Then educate (either publicly and on the spot, or later, in private):** "Do you know what 'faggot'/'dyke' means? It's a mean, disrespectful term for men who love other men/women who love other women. People use it as an insult to hurt people's feelings and make fun of them – whether the people they're trying to hurt or insult are gay/lesbians or not. Whether you were teasing each other or really trying to hurt each other by using it doesn't make any difference when you come right down to it: it's meant as a putdown, and I don't want to hear you using it again, not with anyone."

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If the students were using "gay" or "that's so gay," your response would differ, since there's nothing wrong or bad with being gay, but lots wrong with using the term pejoratively (see Alan Horowitz's article in the sidebar, called "Addressing Homophobic Behavior in the Classroom" for a detailed discussion of this point). In that instance, you would want to make the point that there's nothing wrong or bad with being gay, there's plenty wrong with using the term pejoratively. In that instance, you may sound more like this when you educate:

> When you use "gay" that way, you're using it as a putdown, and that's not okay. Whether you were teasing each other or really trying to hurt each other by using "gay" as an insult doesn't make much difference when you come right down to it: it's disrespectful when used as a putdown, and I don't want to hear you using it like that again, not with anyone.

Of course, the suggested textual templates above for your discussions with students can and should be altered depending on how safe and supported you feel in your school when it comes to addressing anti-LGBT slurs.

Once students reach middle and high school age, it's far likelier that they know precisely who and what is being put down when they use terms like "freak," "faggot," "punk," "tomboy," "switch-hitter," "fruit," "lesbo," "lezzies," "dyke," "homo," and the hundreds of other slurs that implicate sexual orientation and/or gender identity/expression as a legitimate basis for hatred or scorn. There's also a greater chance in this age range that there are students around who are LGBT, have LGBT parents, or know someone LGBT. Finally, as students grow older, the ways in which they use anti-LGBT slurs may become more menacing, and the chances for verbal harassment leading to physical assault increase. All of these factors make it essential that faculty and staff attend to name-calling in this age group – where the instinct may be to dismiss oft-repeated phrases as meaningless – with great seriousness and a keen eye to the physical safety of the targeted students.

In situations where name-calling is part of intimidation or bullying, if there's an age differential between the name-caller and the targeted student, if a group of students is ganging up on one or two individuals, or if this is a case where one student is picking on another, your reprimand can and should be more severe. If the student or students involved have a history of name-calling, further disciplinary action may be appropriate.

Let's say you're walking through the hallways on your way to teach your next class when you see a 10th grade male student blocking another student from leaving the cafeteria. He calls the other student a slut and tells the student that he can "fix" the student and the student's girlfriend while the student tries, unsuccessfully, to weave around him, eyes lowered; when the student being harassed bangs into one of the metal garbage cans while trying to escape, the harasser and his friends laugh. Your response needs to take into account, once more, the history, age, and intent of the parties involved. You may know nothing personally about these participants; still, the age of the parties involved (the harasser is old enough both to present a serious sexual threat and to know precisely what he's saying), the obviously hostile nature of the interaction, and the menacing, overtly sexualized stance of the harasser should be enough to let you know that this is serious harassment, not horseplay.

This is just one example for how you might structure your questions and comments as you take action with the parties in this scenario, whether on the spot or at a later time:

1. **Stop the behavior (immediately):** "That's way out of line! Apologize and go to the office immediately."
2. **Then educate (either publicly and on the spot, or later, in private):** "It is completely unacceptable to intimidate or disrespect anyone like this. Bullying and sexual harassment

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are against school rules and could get you expelled. I don't ever want to see you behaving towards someone like this again."

Whatever words you choose in a situation like this one, it's vital that your tone convey no trace of "Boys will be boys" amusement and that you not accept "I was just fooling around" as a legitimate answer. And it's equally important that you take the extra few minutes, whether immediately or before the school day is through, to insure the safety of the targeted student. The older the students involved, the more likely it is that verbal harassment will snowball into physical violence and sexual assault. As an adult and a professional, it's your moral, ethical, and legal obligation to insure that that doesn't happen to the youths in your charge.

D. What To Do About "That's so Gay" and Students' Reluctance to Admit That It (And Other Anti LGBT Slurs) Actually Mean Something

The chart below[28] suggests a strategy for dealing, not only with one of the often-used expressions currently circulating in schools K-12, but with any instance in which students respond to your intervention by saying, "We don't mean anything by that," or "It's just a word we use," or "Everyone says it." Like the chart on how to respond depending upon time/setting, it's meant to be instructive rather than prescriptive; still, the primary purpose of this interaction is to get students to admit that the phrase does indeed mean something—and that that something is certainly not something positive. The responses listed below, in descending order from the initial question you might ask ("What do you mean by that?") to the conclusion you hope your students will reach ("So maybe it's not a good thing?") include the benefits and challenges of each question.

RESPONSES	BENEFITS	CHALLENGES
"What do you mean by that?"	Doesn't dismiss it.	Students might not be forthcoming.
"How do you think a gay person might feel?"	Puts responsibility on student to come up with solution.	Student may not say anything.
"Do you say that as a compliment?"	Asking this rhetorical question in a non-accusatory tone may lighten things up enough for your students to shake their heads and admit, "No."	Students may just laugh off your question, or reiterate that they're "Just joking."
"So the connotations are negative?" or "So maybe it's not a good thing?"	Not accusatory. Could open up the floor for discussion.	There's always the chance that students will still be reluctant to speak up.

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E. In Closing: Consider Your School's History with Name-Calling

Ultimately, what you do as an individual to stop anti-LGBT name-calling and educate students will go far further if the wider school community also accepts and encourages the principal of respect and safety for all students. The best kind of intervention is prevention: establishing rules for respectful interaction in classrooms from day 1 of the new semester or school year creates a culture that discourages name-calling—and sets the stage for discussion and education should incidents occur. The same is true of school mission statements that explicitly include sexual orientation and gender identity/expression in their equal protection clauses. Putting this kind of statement in place—or even posting it in prominent places in your school's classrooms and hallways—sends a message to the entire school community about the value of a learning environment that encourages respect for all.

If the isolated incidents you've been dealing with start to add up to be a school-wide problem, or if name-calling has been ongoing, and you start to feel as though you're always putting out fires, consider approaching the other staff and/or administration with some ideas for a school-wide policy or some kind of training initiative for staff and/or students. Ask yourself who else needs to get involved. Soliciting the help of your principal and gaining the backing of a solid core of parents is usually a reliable strategy for success.

Suggested Resources:

- GLSEN: **http://www.glsen.org/**
  - GLSEN Lesson Plan: What Do "Faggot" and "Dyke" Mean?: **http://www.glsen.org/templates/resources/record.html?section=16&record=1049**
  - GLSEN Lunchbox (Staff Development resource): **http://www.glsen.org/templates/resources/record.html?section=18&record=767**
  - GLSEN 2001 National School Climate Survey: **http://www.glsen.org/templates/news/record.html?section=20&record=1029**
  - GLSEN Workbook (School climate assessment tool): **http://www.glsen.org/templates/resources/record.html?section=14&record=763**
- ACLU's Every Student, Every School: Making Schools Safe for LGBT Youth: **http://www.aclu.org/issues/gay/safe_schools.html**
- ACLU of Michigan: What Schools Need to Know: **http://www.aclumich.org/pubs/schools/bookindex.htm**
- Lambda Legal Defense and Education Fund: **http://www.lambdalegal.org/cgi-bin/pages/**
- PFLAG: **http://www.pflag.org/**
- The Safe Schools Coalition: **http://www.safeschoolswa.org/safe.html**
- P.E.R.S.O.N. Project: **http://www.youth.org/loco/PERSONProject/**

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[1] Gender-neutral pronouns and language are used throughout this resource. The drawback to this choice is questionable grammar, but we hope that you will overlook it in support of the positive aspects of inclusive language.

[2] Hamilton College (2001). Hamilton College Gay Issues Poll. Available at: http://www.hamilton.edu/news/gayissuespoll/. Accessed October 30, 2001.

[3] Safe Schools Coalition (1999). They Don't Even Know Me: Understanding Anti-Gay Harassment and Violence in Schools. Available at: http://www.safeschools-wa.org/ssc_reports.htm. Accessed October 30, 2001.

[4] American Association of University Women (2001). Hostile Hallways: Bullying, Teasing, and Sexual Harassment in School, Washington: American Association of University Women, p. 5.

[5] Human Rights Watch (2001). Hatred in the Hallways: Violence and Discrimination Against Lesbian, Gay, Bisexual, and Transgender Students in U.S. Schools, New York: Human Rights Watch.

[6] HRW, 33

[7] Fineran, S. (2001). Sexual minority students and peer sexual harassment in high school. Journal of School Social Work, 11, (2), 50-69.

[8] GLSEN (2001). National School Climate Survey. Available at: http://www.glsen.org/templates/news/record.html?section=20&record=1029. Accessed October 30, 2001.

[9] Russell, S.T. & Joyner, K. (2001). Adolescent Sexual Orientation and Suicide Risk: Evidence From a National Study. American Journal of Public Health, 91, 1276-1281. Available at: http://www.ajph.org/cgi/content/full/91/8/1276?maxtoshow=&HITS=10&hits=10&RESULTFORMAT=&titleabstract=Suicide&fulltext=gay&searchid=1004474575283_13862&stored_search=&FIRSTINDEX=0&fdate=8/1/2001&tdate=8/31/2001&journalcode=ajph. Accessed October 30, 2001.

[10] Massachusetts High School Students and Sexual Orientation. 1999 Massachusetts Youth Risk Behavior Survey. Available at: http://www.state.ma.us/gcgly/yrbsf99.html. Accessed October 30, 2001.

[11] HRW, 31

[12] HRW, 57-58

[13] HRW, 52-53

[14] HRW, 42

[15] I am deeply indebted to Courtney Joslin, Esq., of the National Center for Lesbian Rights, for her help with this section on harassment and discrimination law. Any errors that persist do so in spite of her careful efforts to eradicate them.

[16] According to section 1 of the Fourteenth Amendment: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

[17] Courtney Joslin, Esq. (2001). The definitions of the Equal Protection Clause of the 14th Amendment and Title IX (including standards of liability and enforcement) in this section all come from Joslin's "Harassment and Discrimination: A Legal Overview." National Center for Lesbian Rights. Washington, D.C.

[18] Quoted directly from Joslin. Her footnote reads: See Nabozny v. Podlesny, 92 F.3d 446 (7th Cir. 1996) (holding student could maintain claims alleging discrimination on the basis of gender and sexual orientation under the Equal Protection Clause where school district failed to protect

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the student to the same extent that other students were protected from harassment and harm by other students due to the student's gender and sexual orientation). In Nabozny, after the student and his parents reported the incidents of physical violence to the appropriate school administrator, the administrator told the student and his parents that such acts should be expected because the student was openly gay. Id. at 451. See also Montgomery v. Independent Sch. Dist. No. 709, 109 F. Supp. 2d 1081 (D. Minn. 2000) ("We are unable to garner any rational basis for permitting one student to assault another based on the victim's sexual orientation, and the defendants do not offer us one.") (citing Nabozny, 92 F.3d at 458).

On the eve of trial, the school district agreed to pay the student almost $1 million in damages.

[19] Quoted directly from Joslin, Harassment and Discrimination: A Legal Overview. Her footnote reads: 20 U.S.C. § 1681(a). Title IX provides, in relevant part: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Full text of Title IX of the Education Amendments Act of 1972 available on the United States Department of Education website at: http://www.ed.gov/offices/OCR/docs/tix_dis.html. Accessed October 30, 2001.

[20] Quoted directly from Joslin, Harassment and Discrimination: A Legal Overview. Her footnote reads: See Office of Civil Rights, Revised Sexual Harassment Guidance, § III (Jan. 2001) ("OCR Revised Guidance") ("Although Title IX does not prohibit discrimination on the basis of sexual orientation, sexual harassment directed at gay or lesbian students that is sufficiently serious to limit or deny a student's ability to participate in or benefit from the school's program constitutes sexual harassment prohibited by Title IX under circumstances described in this guidance. For example, if a male student or a group of male students target a gay student for physical sexual advances, serious enough to deny or limit the victim's ability to participate in or benefit from the school's program, the school would need to respond promptly and effectively, as described in this guidance, just as it would if the victim were heterosexual."). See also Montgomery, 109 F. Supp. 2d 1081. The full text of Protecting Students from Harassment and Hate Crime: A Guide for Schools, U.S. Department of Education, Office of Civil Rights (1999) is available at: http://www.ed.gov/pubs/Harassment/. Accessed October 30, 2001.

[21] Quoted directly from Joslin, Harassment and Discrimination: A Legal Overview. Her footnote reads: See OCR Revised Guidance, § III ("Though beyond the scope of this guidance, gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, but not involving conduct of a sexual nature, is also a form of sex discrimination to which a school must respond, if it rises to the level that denies or limits a student's ability to participate in or benefit from the educational program…A school must respond to such harassment in accordance with the standards and procedures described in this guidance. In assessing all related circumstances to determine whether a hostile environment exists, incidents of gender-based harassment combined with incidents of sexual harassment could create a hostile environment, even if neither the gender-based harassment alone nor the sexual harassment alone would be sufficient to do so.") (citing Price Waterhouse v. Hopkins, 490 U.S. 228, 251 (1989) (holding sex-stereotyping is a form of sex discrimination prohibited by Title VII) (emphasis added). See also Montgomery, 109 F. Supp. 2d 1081; Miles v. New York Univ., 979 F. Supp. 248 (S.D.N.Y. 1997).

[22] Section on **Standard of Liability** quoted directly from Joslin, Harassment and Discrimination: A Legal Overview.

[23] Quoted directly from Joslin, Harassment and Discrimination: A Legal Overview. Her footnote reads: Davis v. Monroe County Sch. Dist., 119 S. Ct. 1661, 1673 (1999).

It is important to note, however, that in order for a school to be held liable, a person with authority to address the situation had to have known about the harassment. Thus, it may not be

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sufficient for a student to tell a teacher about the harassment. Students and their parents should be advised to report any harassment to the principal, vice-principal, and or district officials, preferably in writing.

[24] Quoted directly from Joslin, Harassment and Discrimination: A Legal Overview. Her footnote reads: See Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274, 283 (1998).

[25] Section on **Enforcement** quoted directly from Joslin, Harassment and Discrimination: A Legal Overview. Her footnote reads: See Franklin v. Gwinnett Co. Public Schs., 503 U.S. 60 (1992).

[26] Full text of the court's decision in Nabozny v. Podlesny available at: http://www.kentlaw.edu/7circuit/1996/jul/95-3634.html. Accessed October 30, 2001.

[27] Adapted from the Safe Schools Coalition Resource Guide (1999). Available at: http://www.safeschools-wa.org/rg99cont.html. Accessed October 31, 2001.

[28] Adapted from a chart developed by Jeff Perrotti and Kim Westheimer, 2001.

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